

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Irene Keller,)	Civil Action No.: 2:24-CV-05884-DCN
)	
Plaintiff(s),)	
)	
v.)	
)	
Howard Anthony James and Penske)	DEFENDANT’S 26.01 RESPONSES
Truck Leasing Co.,)	
)	
Defendant(s).)	

TO: JAMES G. BIGGART, II, ESQ., ATTORNEY FOR THE PLAINTIFF AND TO THE PLAINTIFF ABOVE-NAMED:

Under the provisions of Local Rule 26.01, Defendants, Howard Anthony James and Penske Truck Leasing Co., respond to the Court's Rule 26.01 Interrogatories as follows:

A. State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

ANSWER: None known at this time.

B. As to each claim, state whether it should be tried jury or non-jury and why.

ANSWER: All claims should be tried to a jury.

C.State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

ANSWER: Defendants are not publicly owned.

D. State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division).

ANSWER: Without waving the right to challenge venue and jurisdiction, the incident appears to have occurred in Orangeburg County; however as discovery proceeds, Defendants may identify facts allowing for a challenge jurisdiction and venue.

E. Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which *may be* related regardless of whether they are still pending. Whether cases *are* related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical translations, happenings or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

ANSWER: No.

F. If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

ANSWER: The Defendants are properly identified.

G. If you contend that some other person of legal entity is, in whole or in part, liable to you or the other party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

ANSWER: Penske Truck Leasing Co. is expected to assert indemnity and defense obligations against Southeast Independent Delivery Services (SEIDS), believed to be the entity operating the truck at the time of the incident. Defense counsel has communicated with plaintiff's counsel concerning a consent agreement to substitute SEIDS for Penske through an amended complaint and defense counsel accepting service of the same.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.

s/Mark V. Gende

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ATTORNEYS FOR DEFENDANTS

Columbia, South Carolina
December 20, 2024

CERTIFICATE OF SERVICE

I, the undersigned secretary of the law offices of Sweeny, Wingate & Barrow, P.A., attorneys for the Defendants, do hereby certify that I have served a copy of the foregoing Defendant Responses to 26.01 Interrogatories in connection with the above-referenced case by emailing a copy of the same to the following address:

James G. Biggart, II, Esq.
jbiggart@forthepeople.com
Morgan & Morgan
4401 Belle Oaks Drive, Suite 300
North Charleston, SC 29405
Attorney for Plaintiff Tamille Williams



Alexus J. Smith

Columbia, South Carolina
December 20, 2024